



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/141,964	08/28/1998	MICHAEL A. MARINO		1517

7590 03/28/2002

MURPHEY LAW OFFICES
ATTN: JOHN J MURPHEY
PACIFIC CENTER ONE SUITE 260
701 PALOMAR AIRPORT ROAD
CARLSBAD, CA 920091027

EXAMINER

WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
----------	--------------

2857

DATE MAILED: 03/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

18

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Hal D Wachsman
Primary Examiner
Art Unit: 2857

Office Action Summary

Application No.

09/141,964

Applicant(s)

MARINO ET AL.

Examiner

Hal D Wachsman

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 77-123 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 77-123 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 06 August 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2857

1. This application is in condition for allowance except for the following formal matters:

a) As already stated in paragraph 6 of the Final Office Action mailed 2-6-01, the abstract of the disclosure is objected to because it contains legal phraseology (i.e. reads like a claim "...comprising the steps of.."). The Applicant has attempted to correct the Abstract through the use of underlining and bracketing. However, at the time that amendment was filed that was an improper way to amend the abstract. In addition, the clean version of a new abstract filed with the after-final amendment of 7-3-01 was part of an after-final amendment that was not entered (i.e. this new abstract was not entered). Consequently, the problem with the Abstract remains. Appropriate correction is required.

b) Claims 77-105 and 108-123 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 77 step f, cites "said recorded signals" which it appears should be "said recorded wide band excitation input signals". This same type of problem also occurs in step g of claim 77. Claim 79 cites "two data recorder/processors" which should be "two data recorders/processors". This same type of problem also occurs in claim 80. Claim 93, line 1, cites "said synchronization signal" however the antecedent basis is "frequency synchronization signal". Claim 93, line 2, cites "the data stream" which lacks antecedent basis. Claim 93 cites "the said network" which should be "said telemetry network". Claims 95-97, line 2, cite "the received signals" which should be "the received wide band excitation input signals". Claim 99, line 1, cites "said one or more

Art Unit: 2857

waveform synthesizers" which lacks antecedent basis. Claim 105, line 1, cites "said waveform synthesizer" which lacks antecedent basis as already shown above. Claim 105, line 2, cites "its specified center frequency" however the use of the pronoun "its" adds vagueness with respect to what exactly possesses the specified center frequency. Claim 108, line 1, cites "said wide band excitation signal" which it appears should be "said wide band excitation input signals". Claim 109, lines 4-5, cite "said waveform signal" which should be "said synthesized low-power, wide band waveform signal". This same type of problem also occurs in claim 109, lines 6-7, 19, 22, 24, claim 119, lines 2-3. Claim 109, line 23, cites "the signals received" however the antecedent basis is singular. This same type of problem also occurs in claim 119, line 2. Claim 109, line 25, cites "recorders/processors" which should be "data recorders/processors". Claim 112, line 2, cites "the modulated excitation signal" which lacks antecedent basis. Claim 114, line 2, cites "said excitation signal" which lacks clear antecedent basis. This same type of problem also occurs in claim 115, lines 2-3. Claim 120, step e, cites "said data recorders/processors at each spatially distributed location" however there is only a singular recorder/processor at each spatially distributed location. This same type of problem also occurs in claim 121, lines 2-3. Claim 120, step g, cites "said recorded signals" which should be "said recorded wide band excitation input signals". The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

Art Unit: 2857


Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
March 26, 2002